

IN THE DRAWING

Submitted herewith is a Replacement Sheet 1/1 for the single drawing figure. Additionally submitted herewith is an Annotated Sheet 1/1 showing the changes in red to original FIG. 1.

An optional second controller 100a is now shown in phantom with signal lines 17 coupling controller 100a to moisture level sensors 12 (see the specification at line 1 of page 8) and humidifiers 11. The designation of the valve coupled to overflow reservoir 70 has been changed from "17" to -71—. See the specification at page 8, lines 14—16.

REMARKS

In view of the above amendments and the following remarks, reconsideration and withdrawal of the objections and rejections set forth in the Office Action of May 18, 2005 are earnestly solicited.

Accompanying this response is Applicants' Petition for a two-month extension of time in which to respond to the Office Action of May 18, 2005.

The drawing FIG. 1 has been amended to correct inadvertent errors. A Replacement Sheet is submitted herewith.

The specification has been amended at pages 1, 4, 6 and 8 to correct inadvertent errors and to address informalities raised by the Examiner.

Claims 1—3, 5—8 and 10—11 have been amended to clarify Applicants' invention. Claim 4 has been canceled and new Claims 12—15 have been added, leaving Claims 1—3, and 5—15 pending in the application.

OBJECTION TO THE DRAWING

Valve reference number 17 at the lower portion of Fig. 1 has been replaced with 71, consistent with the specification at lines 14—16 of page 8.

With respect to the "plurality of batteries" objection, block 30 is referenced as traction batteries 30 at page 5, line 17 of the specification. Additionally, the Examiner's attention is especially directed to page 6, lines 10—12. Nevertheless, to expedite successful resolution of this issue, the claims have been amended to call for "at least one...battery," thereby mooted this objection.

The objection to reference numeral 12 as not being mentioned in the description is

incorrect. See the specification at line 1 of page 8 regarding “moisture sensors 12.”

CLAIM OBJECTIONS

The objection to Claims 1, 2, 7 and 8 regarding “battery or batteries” is believed mooted by the above claim amendments calling for—at least one...battery.

The objection to the term “fuel cell hybrid vehicle” is respectfully traversed.

The term “hybrid” is not limited to a vehicle using an engine and an electrical motor. This term is appropriate for any vehicle employing two or more different sources of any type of power. An electric vehicle using both batteries and fuel cells is therefore correctly classified as a hybrid. For example, see the very reference to Lee (US 6,847,127 B1) applied to some of the pending claims. Lee discloses a vehicle solely powered by an electric motor 50. Since motor 50 is powered both by a fuel cell 10 and a battery 20, Lee properly terms the disclosed vehicle as “a fuel cell hybrid electric vehicle.” The withdrawal of this objection is respectfully requested.

The objection to Claim 7 is believed mooted by the amendment to Claim 7.

CLAIM REJECTIONS—35 U.S.C. § 112

Claims 3, 4, 9 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to set forth the subject matter which Applicants regard as their invention. The rejection is respectfully traversed.

This rejection is believed mooted by the amendments to the drawing, to the specification at page 8, the cancellation of Claim 4 and the amendment to Claim 10 changing its dependence to Claim 9.

CLAIM REJECTIONS—35 U.S.C. § 103

Claims 1 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee, U.S. Patent No. 6,847,127, in view of Suzuki, U.S. Patent No. 6,727,011. The rejection is respectfully traversed.

The combination of Lee and Suzuki fail to teach, claim or suggest Applicants' moisture sensors, humidifier or controller for evaluating moisture level signals and to actuate the at least one humidifier. Claim 1 and its dependent Claim 5 are therefore believed patentable over Lee and Suzuki, taken alone or in combination.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and Suzuki, as applied to Claim 1, and further in view of Melichar, U.S. Patent No. 5,453,334. The rejection is respectfully traversed.

Without conceding the correctness of the Examiner's remarks with respect to Claim 2, claim 2 directly depends from Claim 1 and is therefore allowable at least for the reasons set forth above with respect to Claim 1.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and Suzuki, as applied to Claim 1, and further in view of Japanese Patent No. 4-306557. The rejection is respectfully traversed.

Without conceding the correctness of the Examiner's remarks with respect to Claim 6, Claim 6 directly depends from Claim 1 and is therefore allowable at least for the reasons set forth above with respect to Claim 1.

Claims 7 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Suzuki and JP 4-306557. The rejection is respectfully traversed.

The combination of Lee, Suzuki and JP 4-306557 fail to teach a sensor on the overflow reservoir operatively connected to detect a change in fluid level in the overflow

reservoir, as called for in Applicants' Claim 7. Therefore, Claim 7 and its dependent Claim 11 are believed patentable over Lee in view of Suzuki and JP 4-306557.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee, Suzuki and JP 4-306557, as applied to Claim 7, and further in view of Melichar. The rejection is respectfully traversed.

Without conceding the correctness of the Examiner's remarks with respect to Claim 8, Claim 8 depends directly from Claim 7 and is therefore allowable at least for the reason set forth above with respect to Claim 7.

ALLOWABLE SUBJECT MATTER

Applicants gratefully acknowledge the allowability of Claims 3, 4, 9 and 10 if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in the Office Action and to include all the limitations of the base claim and any intervening claims.

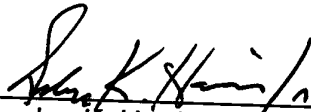
New Claims 12—15 respectively correspond to Claims 3, 4, 9 and 10, amended as required.

CONCLUSION

Claims 1—3, 5—8 and 10—11, as amended herein, Claim 9 as originally presented, and newly presented Claims 12—15 are believed to be in condition for allowance, early acknowledgment of which is requested.

Respectfully submitted,

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Title: FUEL CELL HYBRID VEHICLE WITH AUTOMATICALLY WATERED AQUEOUS BATTERIES

Inventor: Tartamella et al
Atty. Ref. 706403US1

Annotated Sheet

1/1

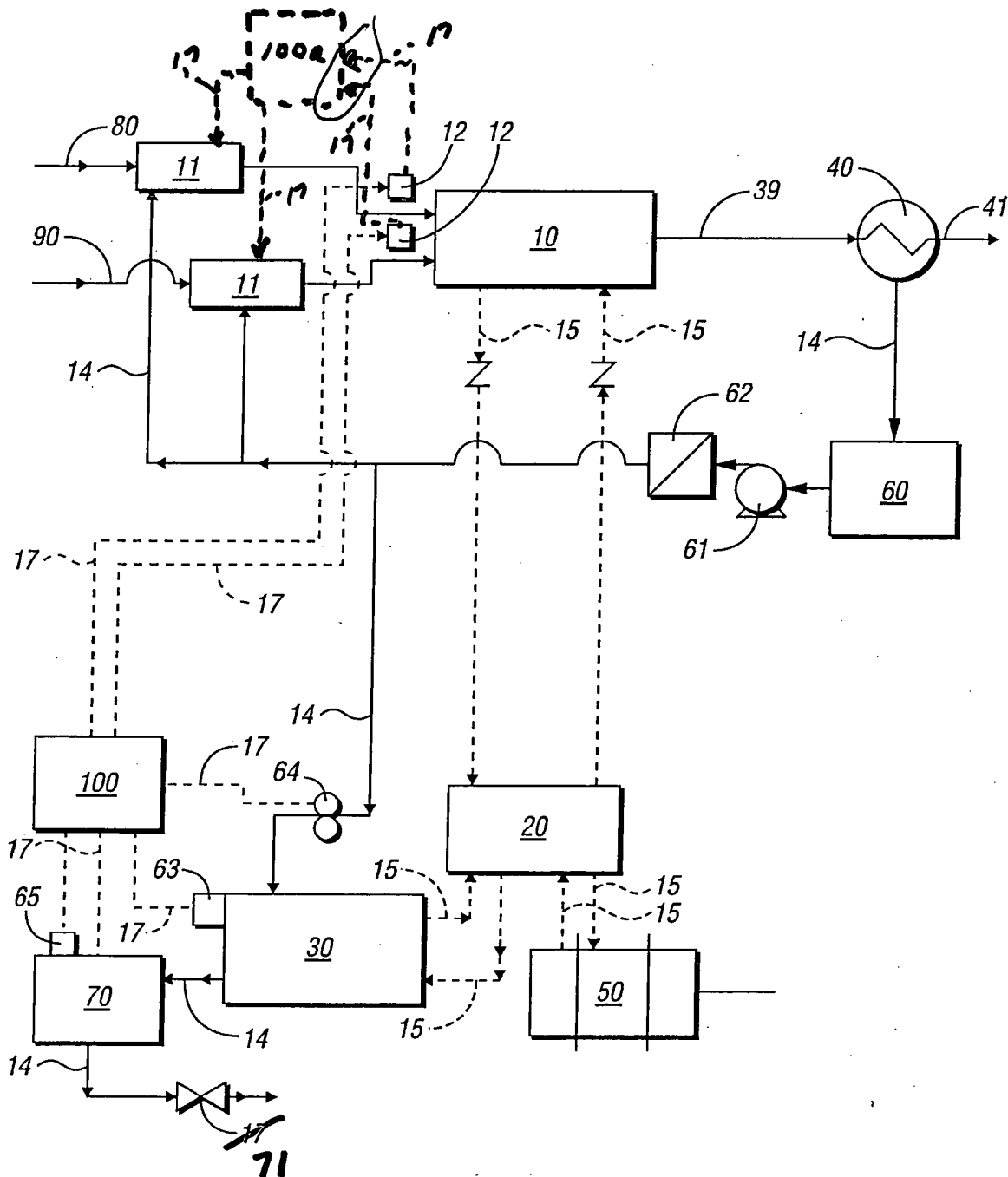


Fig. 1